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I N D E X

WITNESSES:

DIRECT

CROSS

(None.)

E X H I B I T S

PAGE

ICC Staff Exhibit No. 1.0

18

1 PROCEEDINGS

2 JUDGE VON QUALEN: By the authority
3 vested in me by the Illinois Commerce Commission,
4 I now call Docket No. 15-0393. This docket was
5 initiated by the Illinois Commerce Commission
6 pursuant to Section 5/11 of the Illinois Public
7 Utilities Act to determine whether James Lowry,
8 individually and in his capacity as owner or
9 operator of CJ Now Plumbing, has failed to comply
10 with the requirements of the Illinois Underground
11 Utility Facilities Damage Prevention Act.

12 May I have the appearances for the
13 record. First, on behalf of Staff.

14 MR. HARVEY: Yes, Your Honor.
15 Appearing for the Staff of the Illinois Commerce
16 Commission, Matthew L. Harvey, 160 North LaSalle
17 Street, Suite C-800, Chicago, Illinois 60601.

18 JUDGE VON QUALEN: And on behalf of
19 James Lowry.

20 (No response.)

21 JUDGE VON QUALEN: Let the record
22 reflect no response.

23 Are there any others wishing to enter
24 an appearance?

1 (No response.)

2 JUDGE VON QUALEN: Let the record
3 show no response.

4 This matter comes on this morning for
5 an evidentiary or a status hearing. Staff has
6 filed a motion to dismiss, and the response to
7 that was due yesterday. I did not receive a
8 response from Mr. Lowry. I checked e-Docket this
9 morning, and I saw no response on e-Docket this
10 morning.

11 Mr. Harvey, has Staff heard from
12 Mr. Lowry?

13 MR. HARVEY: We have not, Your Honor.

14 JUDGE VON QUALEN: All right, then.
15 The motion to dismiss, then, will be placed in
16 front of the Commission.

17 But would you like to enter into
18 evidence the affidavit of Mr. Riley which was
19 attached to the motion to dis -- for default
20 judgment?

21 MR. HARVEY: Yes, Your Honor.

22 Staff -- while the exhibit is not
23 numbered -- which I can rectify and file as a
24 separate matter, if you'd like -- we have with

1 our motion for judgment by default the affidavit
2 of Bill Riley, who is the One-Call Enforcement
3 manager of the Commission's One-Call Enforcement
4 program. This affidavit states, in summary and
5 not verbatim, that he is familiar with the Staff
6 report submitted, dated March 3, 2015, and with
7 the exception of certain scrivener's errors,
8 knows on personal knowledge that the facts
9 asserted therein are true and correct. And we
10 would move that into evidence at this time --
11 Mr. Riley's affidavit.

12 JUDGE VON QUALEN: All right. And
13 that will be identified as ICC Staff Exhibit 1.0?

14 MR. HARVEY: Yes, Your Honor, with
15 your leave.

16 JUDGE VON QUALEN: All right. Then
17 ICC Staff Exhibit 1.0 is entered into evidence.

18 And, Mr. Harvey, if you would refile
19 it with that exhibit number on it and as
20 testimony so that, if someone were to look on
21 e-Docket and look for testimony, they could find
22 it.

23 MR. HARVEY: So just to have it
24 designated as testimony using the e-Docket menu;

1 correct, Your Honor?

2 JUDGE VON QUALEN: Yes.

3 MR. HARVEY: I will undertake to do
4 that, Your Honor.

5 JUDGE VON QUALEN: Thank you.

6 I don't intend to mark the record
7 heard and taken today so that, if I find that I
8 need any additional information, I will be able
9 to ask for it.

10 So does Staff have anything further
11 to discuss this morning?

12 MR. HARVEY: Nothing save for the
13 admission of our exhibit into evidence, which I
14 guess you already did.

15 JUDGE VON QUALEN: I can do it twice.
16 ICC Staff Exhibit 1.0 is entered into evidence.

17 MR. HARVEY: Thank you, Your Honor.
18 And I apologize for not -- for missing that.

19 JUDGE VON QUALEN: That's fine.

20 MR. HARVEY: In that case, Staff has
21 nothing further, Your Honor, and thank you.

22 JUDGE VON QUALEN: You're welcome.

23 So I will put the matter before the
24 Commission in August, at least that's my intent.

1 MR. HARVEY: Thank you, Your Honor.
2 JUDGE VON QUALEN: With that, I will
3 continue this matter generally.
4 Thank you, Mr. Harvey.
5 MR. HARVEY: Thank you very much,
6 Your Honor.
7 (Matter continued generally.)

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CERTIFICATE OF REPORTER

[illegible]

I, ROBIN A. ENSTROM, a Registered Professional Reporter and Certified Shorthand Reporter within and for the State of Illinois, do hereby certify that the foregoing proceedings were taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

ROBIN A. ENSTROM
Illinois CSR No. 084-002046